

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

DANIEL WAYNE CAPPS, JR.,)	
)	
Petitioner,)	
)	
v.)	Nos.: 3:12-CR-27-TAV-HBG-1
)	3:14-CV-274-TAV
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

For the reasons expressed in the accompanying memorandum opinion filed herewith, it is **ORDERED** and **ADJUDGED** that Petitioner's § 2255 motion [Doc. 20], as supplemented [Doc. 21], be and hereby is **GRANTED**. That portion of the Judgment imposed on August 21, 2012 [Doc. 17], which had imposed a term of imprisonment of 200 months at count one of the indictment is **VACATED** and Petitioner's sentence is corrected and reduced to a sentence of "time served" at count one of the indictment. This order shall take effect 10 days from its entry so as to give the Bureau of Prisons time to process Petitioner's release. The Judgment imposed on August 21, 2012 [Doc. 17], further is **AMENDED** to reflect a term of supervised release of 3 years at count one of the indictment. In all other respects, the judgment imposed on August 21, 2012 [Doc. 17], shall remain in full force and effect. The Clerk's Office is **DIRECTED** to prepare an amended judgment.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Debra C. Poplin
CLERK OF COURT